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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,155	11/09/2000	Shawn S. Cornelius	10022/26	4581

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EXAMINER	
JUNG, DAVID YIUK	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 07/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/710,155	CORNELIUS ET AL.	
	Examiner	Art Unit	
	David Y. Jung	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12,14,16-20 and 30-54* is/are pending in the application.

4a) Of the above claim(s) 55-56 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14,16-20 and 30-54* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *originally* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-12, 14, 16-20, 30-54 are present in this case.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

First, Applicant appears to sincerely assert that an examination on the merits has been delayed. At least a portion of this has occurred due to a genuine confusion as to the meaning of the first amendment. In the attendant Remarks to that amendment, Applicant has stated that the prior does not teach, among others, "the number of interconnections is dependent on a type of security mode." Yet, this feature was in a claim that recited "firewall." The other arguments of the Remarks are related to this concept. Therefore, the Office had a genuine confusion; in a software firewall, the number of interconnections is always dependent on a type of security mode. A firewall may or may not permit an interconnection to occur. Thus, depending on a type of security mode, the number of interconnections would vary. This is, of course, not analogous to the hardware situation of a "firewall" (perhaps a heat protection pad or a heat sink to draw heat so as to prevent fires). In such a "firewall", the number of interconnections (such as electricity outlets) would be set by safety (such as by a circuit breaker) and not usually set by the type of security mode. While the Office fully admits that claim 1 is broad enough so as to be interpreted to mean such a hardware structure,

the Office does not interpret as such because the Office does not believe Applicant could have meant such. Thus, the Office had a genuine confusion.

While this current rejection in this Office Action is necessitated because of that amendment, the Office should have more directly addressed that issue earlier. Thus, because of the equity of the situation, this Office Action is made non-final.

Second, Applicant argued against the rejection under 35 USC 112. On this matter, Applicant's arguments have been fully considered and are persuasive when considered as a whole (from considering the whole file history and not merely considering each correspondence singly) to some extent. That particular rejection has been withdrawn to the extent that the rejections are no longer applied to claims 1-12, 14, 16-20, 30-54.

Third, Applicant argued regarding the restriction. On this matter, Applicant's arguments have been fully considered and are partially persuasive when considered in context of Applicant's arguments against the rejection under 35 USC 112. Thus, the arguments against restriction (when considered in combination with the other arguments of Applicant) are now deemed to not raise additional issues under 35 USC 112. On the substance of the restriction, Applicant has emphasized that his argument refers purely and literally to the hardship of the Examiner; Applicant has emphasized that his argument was not directed to the interpretation of the claims. Thus, the only issue left is the "hardship of the Examiner (Applicant's language)." Upon a study of the feasibility and a study of the cost of the examining of the new claims 55-56, the Office has discovered that these new claims 55-56 cannot be examined without adding

unjustifiable amount of hardship. Thus, claims 55-56 are restricted. Claims 1-54 remain for examination on the merits.

CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-12, 14, 16, 17, 19, 20, 30-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. (also referred hereinafter as "Devine").

Regarding these claims, Devine teaches as noted in the previous Office Actions.

Regarding the newly limitations, even assume arguendo that they are not taught by Devine, the following are noted.

Claims 1, 9-12; the number of interconnections is dependent on a type of security mode: In software firewalls, the number of interconnections is always dependent on a type of security mode. A firewall may or may not permit an interconnection to occur. For example, a need for higher security would cause the firewall to function in such a fashion so as to result in less number of interconnections. Thus, depending on a type of security mode, the number of interconnections would vary. That is what firewalls do for the motivation of security; that is what firewalls are supposed to do.

Claim 3; "firewall blocks a transmission of an incoming data message through" the firewall "if the corresponding functions do not correspond to a function associated with processing the data message": In software firewalls, such transmissions are always blocked in such circumstance. That is what firewalls do for the motivation of security; that is what firewalls are supposed to do. Even if Devine et al. does not disclose monitoring functions to see if they are associated with processing a data message, this is surely well known in the art for the motivation of security; that is what firewalls are supposed to do. If the corresponding functions do not meet the proper functions, then firewalls keep them out. That is what firewalls do.

Claims 2, 4, 8. 14, 16 and 20; including a quaternary interconnection for monitoring operations and maintenance of the internal resource affiliated with the internal communications network: In software firewalls, such monitoring is always done so as to protect such internal resource in such fashion. That is what firewalls do for the motivation of security; that is what firewalls are supposed to do. Even Devine et al. fails to disclose an interconnection that monitors operations and maintains an internal resource affiliated with an internal communications network, this is surely well known in the art for the motivation of security; that is what firewalls are supposed to do. Firewalls monitor so as to maintain the resources that are internal to the network (i.e., protect the resources by being a "wall").

Claims 5, 17; firewall has the nonnegative integer number of interconnections only established for a limited duration on an as needed basis for communications between an internal resource of one business entity and another business entity; Yet

again, that is what firewalls do for the motivation of security; that is what firewalls are supposed to do.

Claims 30-54; these claims are met by Devine and what is well known in the art regarding firewalls. Devine teaches as noted in the previous paragraphs. Applicant gives arguments for the same reasons as for claims 1, 3-5, 7, 17 and 19. Regarding these particular matters, claims 30-54 are rejected for also for the reasons noted in the rejections of claims 1, 3-5, 7, 17 and 19.

Claims 6, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. (also referred hereinafter as "Devine") and Lucent LMF reference (as recited in the previous Office Actions).

Devine teaches as noted above. Lucent LMF teaches as noted in the previous Office Actions. The two references would have been obvious to be combined for the reasons noted in the previous Office Actions. Thus, claimed inventions of claims 6, 8 would have been obvious to those of ordinary skill at the time of the claimed invention.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Jacques Louis-Jacques whose telephone number is (571) 272-6962.

David Jung 

Patent Examiner

7/6/06